

****CAPIAS****

CIRCUIT COURT CRIMINAL DIVISION

255 N. BROADWAY, BARTOW
POLK COUNTY, FLORIDA

CASE NUMBER: 53-2013CF-007890-A000-XX

TO ALL AND SINGULAR THE SHERIFFS OF FLORIDA AND OTHER AUTHORIZED LAW ENFORCEMENT OFFICERS:
YOU ARE HEREBY COMMANDED TO TAKE INTO CUSTODY:**JULIO L PAGAN****AKA's:**

IF SUCH PERSON IS FOUND IN YOUR COUNTY, ARREST AND SAFELY KEEP SO THAT YOU HAVE SUCH PERSON BEFORE A JUDGE OF THE ABOVE STYLED COURT IN AND FOR POLK COUNTY, FLORIDA (CRIMINAL DIVISION) AT THE ABOVE INDICATED LOCATION FOR A CHARGE NOW FOR:

CHARGES

- 1 ARMO SEXUAL BATTERY (12 OR OLDER) 794.011.3D1 F L
- 2 ARMO SEXUAL BATTERY (12 OR OLDER) 794.011.3C1 F L
- 3 AGGRAVATED STALKING 784.048.3 F S

BOND AMOUNT

\$ NO BOND
NO BOND
NO BOND UNTIL FAH

TO WIT: DIRECT INFORMATION FILED

COMMENTS:AUTHORIZED BY/ASSIGNED TO JUDGE CATHERINE L COMBEE
AND THE SEAL OF THE ABOVE STYLED COURT THIS 26th DAY OF SEPTEMBER, 2013
WITNESS, Stacy M. Butterfield, CLERK OF COURTS, POLK COUNTY

BY: Shannon Martin, DEPUTY CLERK

**DEFENDANT INFORMATION**

DOB: Race: W Sex: M DOC#: Hgt: Wgt: Hair: Eyes: SSN: DL#: State: FL PIN#: 91652
Veh. Lic#/St/Yr/Mk: LKA: 219 N MASSACHUSETTS AVENUE POE: LAKELAND FL 33801

Phone: Ag/Rep#: LDPD Off. Date: 8/12/2013

SHERIFF'S RETURNEXECUTED THIS CAPIAS ON _____ DAY OF _____
GRADY JUDD, SHERIFF OF POLK COUNTYBY _____, DEPUTY SHERIFF
CAPIAS WITHDRAWN ON _____ DAY OF _____

REMARKS: _____

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, STATE OF FLORIDA

STATE OF FLORIDA

CASE #: **CF13-007890**

VS.

JULIO L PAGAN, H/M,

**DIRECT
INFORMATION FOR:**

- 1) ARMED SEXUAL BATTERY BY A LAW ENFORCEMENT OFFICER
- 2) ARMED SEXUAL BATTERY BY A LAW ENFORCEMENT OFFICER
- 3) ARMED AGGRAVATED STALKING

In the Name and Authority of the State of Florida:

JERRY HILL, State Attorney for the Tenth Judicial Circuit, by and through his undersigned Assistant State Attorney, charges that JULIO L PAGAN on or about August 12, 2013, in the County of Polk and State of Florida, then and there being a law enforcement officer, did unlawfully commit sexual battery upon _____, a person 12 years of age or older, without her consent, by penetrating her vagina with his penis, and during the commission of said offense JULIO L. PAGAN carried a firearm, a deadly weapon, and said firearm was in the actual possession of JULIO L. PAGAN, contrary to Florida Statutes 794.011 and 775.087. (LIFE FEL) (LEVEL 10) (10 YEAR MANDATORY MINIMUM)

COUNT 2: Informant aforesaid, under oath, further information makes that JULIO L PAGAN on or about August 12, 2013, in the County of Polk and State of Florida, then and there being a law enforcement officer, did unlawfully commit sexual battery upon _____, a person 12 years of age or older, without her consent, by penetrating her mouth with his penis, and during the commission of said offense JULIO L. PAGAN carried a firearm, a deadly weapon, and said firearm was in the actual possession of JULIO L. PAGAN, contrary to Florida Statutes 794.011 and 775.087. (LIFE FEL) (LEVEL 10) (10 YEAR MANDATORY MINIMUM)

COUNT 3: Informant aforesaid, under oath, further information makes that JULIO L PAGAN between August 11, 2013 and September 17, 2013, in the County of Polk and State of Florida, did willfully, maliciously, and repeatedly harass and did make a credible threat, with the intent to place in reasonable fear of death or bodily injury, and during commission of said offense JULIO L. PAGAN carried a firearm, a deadly weapon, and said firearm was in the actual possession of JULIO L. PAGAN, contrary to Florida Statute 784.048 and 777.087. (2 DEG FEL) (LEVEL 7) (10 YEAR MANDATORY MINIMUM)



BRADFORD H COPLEY

FL BAR NO.: 0437662

Assistant State Attorney

Polk County, Florida

STATE OF FLORIDA
COUNTY OF POLK

Appeared before me, BRADFORD H COPLEY, Assistant State Attorney for Polk County, Florida, personally known to me, who, being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true, and which, if true, would constitute the offense therein charged, that this prosecution is instituted in good faith, and certifies that testimony under oath has been received from the material witness or witnesses for the offense.


Assistant State Attorney

Sworn to and subscribed to before me this 25th day of September, 2013.


NOTARY PUBLIC, State of Florida

CO-DEFENDANT(S):



SHEILA D. TINDLE
MY COMMISSION # FF 044201
EXPIRES: September 25, 2017
Bonded Thru Budget Notary Services

FILED - CIRCUIT CRIM.
2013 SEP 26 AM 8:14
CLERK OF DISTRICT COURT
POLK COUNTY, FLORIDA

This Affiant, Detective Paula Tolbert, received this case on 9/20/2013 when I was advised that a female Victim/ , W/F, Dob: /1977, made allegations that an unknown Lakeland Police Officer later known as the Defendant/ Julio Pagan, H/M, Dob: was coming to her home uninvited on several occasions in uniform and he was making sexual advances that were not wanted, the victim also stated she and the defendant had sex while he was on duty on one occasion.

On 9/20/2013 this affiant along with Det. Pough and Lt. Steve Pacheco went to the victim's home located at . The victim agreed to speak with us and her interview was conducted in my unmarked patrol vehicle. Prior to the interview the victim was shown a photo pack and she positively identified the officer involved as, Julio Pagan.

The victim explained that she has had several encounters with a member of the Lakeland Police Department. The victim explained that on July 4, 2013, the police were in her neighborhood because they received a call of shots being fired in the area (602 W. Crescent Dr). The victim explained she was walking home from the store back to her when she observed the defendant walking in between trailers. The victim stated she assumed the defendant needed to use the restroom and she allowed him into her home to use it. The victim explained after the defendant used the restroom he remained at the residence for approximately (25) minutes just having a normal conversation with her and then left the residence.

The victim explained that on 8/12/2013 she called the Lakeland Police Department in reference to a domestic disturbance between herself and her daughter, Dob: (See report #2013-18530) the victim explained the defendant who along with another Officer later identified as, Officer Ryan Beck, spoke with her daughter and it was decided that her daughter would be taken to a separate location for the evening. The victim stated she thought the defendant remained at the residence while Officer Beck transported her daughter (1) mile away but could be wrong. It was determined through the defendant's computer generated call logs that he actually took (1) mile away dropping her off at a family friends house.

Officer Beck noted in his report that he believed the victim to be intoxicated. Beck noted that he could smell a slight odor of alcohol on her breath and her speech was partially thick tongued and slurred. (See Officer Beck's report).

The victim explained she noticed the defendant was outside her residence and Officer Beck had already left the residence. The victim explained the defendant began talking to her about sex and she felt somewhat intimidated because he was in uniform. The victim advised the defendant was persistent and kept stating he wanted to have sex with her. The victim explained the defendant's sexual advances were repeated over and over again and she felt pressured. The victim explained the defendant kept on telling her to go into the bathroom with him to have sex. The victim stated even if she would have told the defendant no, in her opinion, he would not have left. The victim explained she felt pressured and the only way to get the defendant out of her home, in her opinion, was to have sex with him. The victim explained she finally gave in and went into the bathroom with the defendant. The victim explained the defendant did not take off his uniform or any of his equipment and just zipped his pants. The victim advised the defendant entered her vagina from behind when they had sexual intercourse. (vaginal/penal). The victim explained they had sexual intercourse for approximately (5) minutes. The victim explained the defendant told her he was about to ejaculate, so he turned her around, guided her head down to his penis and ejaculated in her mouth. The victim stated she swallowed the ejaculate. The victim stated the defendant left her residence after the intercourse. The victim stated she was "drunk" when this incident occurred.

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D-CIRCUIT CRP
 3 SEP 26 AM 8:46
 JUDGE
 RM OF CLERK IN COURT
 -K COURT OF FLORIDA

The victim advised the defendant again showed up unannounced at her residence on 8/29/2013. The victim explained she opened her door and the defendant stayed outside at the door being persistent to come in and have sex. The victim explained the defendant kept telling her to give him a "quickie" and made another statement advising "I want to eat your pussy". The victim stated the defendant told her "you took it like a champ last time". The victim asked him if he (defendant) could take her to the store to buy alcohol and the defendant agreed. The victim explained her babysitter, [redacted] was in the home and [redacted] later confirmed he observed the patrol car in the driveway. The victim explained she told [redacted] that the Police Officer was back at the residence and asked if Haynes would call 911. The victim explained she was hoping another Officer or someone from LPD would arrive and see the defendant at her home. Haynes indeed made a call to 911 stating a Police Officer arrived at the victim's home unannounced and his presence at the home was not wanted.

The victim herself on 8/29/2013 made a call to 911 after [redacted] and advised dispatch a Spanish officer keeps coming to her home unannounced. The victim told the dispatcher that the Spanish officer was trying to have sex with her and that it was unwanted and wrong. The victim told dispatch about the defendant taking her to the store to buy alcohol and on the way back he received a call of two big dogs fighting a small dog. The victim explained that the defendant told her after the call he would return for sex. The victim told dispatch she did not know what to do and that's why she was calling. This 911 call is documented.

The victim advised in her taped interview that on 8/29/13, the defendant transported her to the Circle K store at 111 W. Robson Rd. in his marked police vehicle for the purpose of purchasing alcohol. Video footage impounded from the business shows the defendant drive up to the store, parked vehicle in a remote location, exit the vehicle and walked around to the passenger side rear seat and let the victim out the back seat; video shows the defendant and victim standing side by side at the vehicle. Video later shows the victim enters the store and purchased a "Four Loco" alcoholic beverage and exited the store. Per the video, victim is seen walking southward toward Robson Rd. Victim advised the defendant picked her on Robson Rd and drove her back to her residence. Video footage was seized and placed into Evidence.

The victim explained during her interview that the defendant came back to the residence on 8/29/2013 a second time after answering the dog call. The victim explained it was within the hour of the first visit. The victim stated the defendant knocked on the door asking for sex and a "quickie" again and she told him her son was still awake to make him leave the residence.

The victim advised she made a 911 call to the Lakeland Police Department to report what had transpired; that 911 call was documented and retained as evidence.

On 9/16/2013 the victim explained that the defendant showed up at her home again unannounced. The victim stated this time when she opened the door the defendant was standing at the door smiling. The defendant then grabbed her buttock, asked her again to come inside the residence and get a "quickie" and that he was persistent asking for sex. The victim explained to the defendant that her roommate, [redacted] was inside the home so the defendant would not come inside. The victim advised the defendant left the residence. The victim advised she told [redacted] while the defendant was leaving the residence about the unwanted visit.

[redacted] was interviewed and explained the victim told him about the defendant showing up at the door. [redacted] stated he went to the door and when he opened the door he observed a marked patrol vehicle

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backing up and pulling out of the driveway. described the car as having the new paint scheme and being a Chevy Impala. stated he never observed the driver of the patrol car.

The victim explained that during each encounter and/or unannounced visit by the defendant, he was in full police uniform and driving a marked Lakeland Police patrol vehicle. Police records/call logs confirm that the defendant was on duty during the dates and estimated times of the described encounters made by the victim.

Sworn to and subscribed before me the undersigned authority, this 24th day of September, 2013.

Det. Paul Saint #2940
Affiant

Sheila D. Tindle
(ID Badge)



SHEILA D. TINDLE
MY COMMISSION # DD 810718
EXPIRES: September 28, 2018
Bordel Thru Budget Notary Services

FILED - CIRCUIT COURT
2013 SEP 26 AM 8:44
ST. JOHN'S COUNTY FIELD
CLERK OF COURT
POLK COUNTY, FLORIDA

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